

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RICHARD G. TATUM, individually)
and on behalf of a class of all other)
persons similarly situated,)

Plaintiffs,)

v.)

Civil Action No. 1:02 CV 00373

R.J. REYNOLDS TOBACCO)
COMPANY, *et al.*,)

Defendants.)

DEFENDANTS' SUGGESTION OF SUBSEQUENTLY DECIDED AUTHORITY

Defendants hereby submit *Diaz v. Jaguar Restaurant Group, LLC*, No. 09-16046, ___ F.3d ___ (11th Cir. Dec. 13, 2010), as (1) an addendum to Defendants' Memorandum in Opposition to Plaintiff's Motion to Amend Under Fed. R. Civ. P. 15(b)(2) [#366] and (2) in opposition to Plaintiff's Memorandum Re: Legal Effect of Invalid Plan Amendment [#365] and Plaintiff's Reply in Support of Plaintiff's Motion to Amend Under Fed. R. Civ. P. 15(b)(2) [#370]. This authority is relevant to the issue of whether amendment at this stage of the proceedings is permissible under Rule 15(b)(2) of the Federal Rules of Civil Procedure.

This the 22nd day of December, 2010.

Respectfully submitted,

/s/ Daniel R. Taylor, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2010, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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